Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
The Use of N11 Codes and other	)	
Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	

COMMENTS OF SBC COMMUNICATIONS

I. Introduction

Before addressing the issues specifically raised in the Commission's above-captioned *NPRM*[1], SBC stresses that, for the reasons stated by the North American Numbering Council ("NANC") in both its Report and Recommendations ("NANC Recommendations") and its subsequent letter from Robert Atkinson, NANC Chair, to the Commission, a nationwide ten-digit mnemonic toll-free telephone number (such as 888-DIG-SAFE) would be most efficient and effective means to provide toll-free access to the One-Call Centers and would pose the lowest threat to precious numbering resources. SBC, therefore, urges the Commission to seek a legislative change that would permit the Commission to adopt a ten-digit solution.[2]

In the absence of such authority, SBC supports the second best solution, the 811 solution proposed by the NANC to fulfill the requirements of the Pipeline Safety Act. SBC could also support an Interactive Voice Response (IVR) solution, but does not support any of the other solutions discussed in the *NPRM*, such as the 344 Easily

[1] The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, *Notice of Proposed Rulemaking*, 19 FCC Rcd 9173 (2004) (*NPRM).*

[2] The Pipeline Safety Act requires "the Secretary of Transportation, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators," to establish a three-digit nationwide toll-free number system for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities. Pipeline Safety Improvement Act of 2002 Pub. L. No. 107-355, § 17, 116 Stat. 2985, 3008 (2002) (Pipeline Safety Act).

Recognizable Code, and the leading number sign or star, for the reasons set forth by the NANC.

Irrespective of which solution the Commission ultimately adopts, the Commission should provide a means for cost recovery and should not delegate any of its authority in this matter to the states.

II. The Proposed Solutions

A. The 811 Solution

For the reasons articulated in the NANC Recommendations and the *NPRM*, SBC agrees with NANC that its proposed 811 solution would be an acceptable way to fulfill Congress' mandate that the Commission and DOT establish a nationwide three-digit toll free number for excavators and the public to notify facilities operators of proposed excavations. But while the 811 solution appears to be somewhat easier and less costly than other three-digit solutions to implement, it is clear that SBC and other carriers would need more time to implement that solution than the "optimistic" one year timeline suggested by the NANC.[3]

SBC estimates that it will take almost two years to fully implement this solution throughout its network, and even longer in certain states where SBC currently uses 811 as a test code for 911 and where it uses 811 as a customer service/business office number. Deploying the 811 solution throughout its service territory will require SBC to redesign the logic of its switching and signaling systems, modify the translation tables in its network, write and load new software, and test all of these changes to ensure that the systems work properly. SBC also will be required to develop new methods and procedures for its employees. While some aspects of implementation may be performed concurrently (for example, SBC could begin developing some portions of the methods and procedures while performing some network changes), most of the tasks must be

[3] NANC Recommendations at 11.

performed sequentially. Moreover, a significant portion of the time necessary to deploy this solution is attributable to up-front testing in the labs and translation of the scores of switches in SBC's network, and little can be done to reduce that time.

In certain states, implementing the 811 solution will require additional time and effort. For example, in some of its states, SBC uses 811 as a testing code for 911 prior to "turning up" new 911 trunk groups. Designing a new code for testing will take some additional time, which must be factored in because SBC must be able to test new 911 trunk groups to ensure they operate correctly.

In addition, SBC currently uses 811 in Connecticut for its business offices. 811 has been widely used by Connecticut customers for years, so changing the use of that number will require substantially more customer education in Connecticut than in other states where the number was not previously assigned. Additionally, changes to phone books, methods and procedures, and systems will require significantly more time and effort (and will, therefore, be more costly) in Connecticut than in other states. Changing the phone books alone would require at least one year to ensure that all then-current phone books display the correct use for 811 and give the customer an alternative number to dial the SBC's business offices. Additionally, SBC Connecticut currently handles over four million calls per year through its 811 business office number. If the appropriate time is not given for customer education and transition, and if customers are not given a reasonable amount of time to adjust, the Connecticut One-Call Center(s) will be completely overwhelmed with business office calls, frustrating customers and defeating the purpose of the center.

For the foregoing reasons, if the Commission adopts the NANC's proposal, it should give carriers and One-Call Centers at least two years to implement 811 to ensure a smooth transition to the new number. If the Commission nevertheless decides to adopt a shorter transition for nationwide deployment of the 811 solution, it should grant SBC additional time to implement 811 in Connecticut, during which SBC could use a network-

based IVR system to announce the new number for the business office and route the call appropriately, depending upon the customer's routing selection. This flexibility would allow for minimal disruption to the One-Call Centers and additional time for Connecticut customers to get used to the new use of the 811 code.

B. IVR Solution for Use with an Existing N11

Another possible solution that SBC could support is the use of an IVR system with an existing N11 code. SBC believes 511 would be the best number for such use, since it is already assigned for use by federal, state, and local governmental transportation agencies. While more expensive and slightly more time consuming to implement, an IVR solution, especially for use with the DOT-assigned 511, would be the best three-digit solution for meeting the Commission's goal of minimizing "any adverse impact on numbering resources" because it would preserve the last remaining widely-available N11 (i.e., 811) code for future use.[4]

An IVR solution could be implemented in one of two ways: as a customer-based solution or in the network itself. The first, which was the IVR solution evaluated by the NANC, would require each state DOT to implement an IVR system in its state. The system would require callers to choose between two options, the One Call Center or Traffic and Transportation information. Two problems with that solution, however, are that it would be costly for state DOTs to implement and the 511 Traffic and Transportation number has not been implemented throughout the country. Where 511 is not currently operational, the time and effort necessary to implement 511 in the network would be virtually the same as that to implement 811. And additional time would be needed in those states for the state DOT to obtain, install, and test IVRs.

An alternative IVR solution, which may not have been considered by the NANC, is a network-based IVR. Under this solution, telecommunications carriers would install

[4] *NPRM* at ¶ 1.

IVR systems directly in their networks. The result for the end-users would be the same – when dialing 511 (or whatever code is adopted) the end user would be given a choice between two alternatives, the One-Call Center or Traffic and Transportation. But carriers would be responsible for deploying and monitoring the IVRs, and state DOTs would not have to implement the Traffic and Transportation use of 511.

SBC does not believe that some of the concerns raised by the NANC with respect to an IVR solution are insurmountable. The NANC asserts that an IVR solution could cause caller confusion, misrouting, and delay, especially when there is a second IVR in a particular One-Call Center.[5] SBC believes that customer confusion can be reduced through customer education and clear verbiage on the IVRs. Although that will not eliminate all customer confusion, the confusion that remains likely would be less harmful than the confusion or misdialing that could occur when callers dial 811 instead of 911. Moreover, the potential for delay when customers are forced to be routed through multiple IVR prompts could be avoided if the Commission were to adopt a network-based IVR solution and One-Call Centers did not implement IVRs in their systems. While this may change the way that some One-Call Centers operate today, implementing any solution will require One-Call Centers to modify some of their procedures, and the 511 IVR Solution will best meet the Commission's goals of optimizing numbering resources.

SBC does, however, agree with the NANC's assessment that setting up an IVR for use with an existing N11 code would "add complexity [and] cost."[6] As noted above, IVR installations will require carriers to modify their switching and signaling systems to implement the abbreviated dialing code, as well as to deploy IVR systems. As a

[5] NANC Recommendations at 16.

[6] *Id.*

consequence, the IVR solution inherently is more costly and complicated to deploy than a number-based solution.

III. Cost Recovery

SBC agrees with the NANC that any solution should not be an "unfunded mandate." Rather, carriers should be able to recover the costs incurred to implement this service.[7] Preliminary estimates indicate that implementation of the 811 solution will cost SBC approximately $1.5 million dollars for switch translations, network testing, and other network-related costs. The IT work required will cost approximately $750,000 to $1.0 million dollars and customer education in all SBC states, including Connecticut, will cost an additional $500,000 to $750,000. Moreover, if the Commission chooses a network-based IVR solution instead of the 811 solution, SBC would incur an *additional* $1.5 to 2 million dollars in costs.

With a potential price tag in the neighborhood of $3.25 to $5.25 million dollars, depending upon the solution, SBC should not be forced to bear these costs. SBC believes that the Commission should exercise its authority to establish an appropriate cost recovery mechanism to ensure that carriers are not forced to bear all of the costs of implementing the statute.

IV. The Commission Should Not Delegate Authority to the States to Establish Timeframes for Implementation of Abbreviated Dialing Arrangements Pursuant to the Pipeline Safety Act.

Notwithstanding the Commission's general discretion to delegate authority to the states pursuant to section 251(e), the Commission should not delegate the authority to states to establish timeframes for implementing abbreviated dialing arrangements pursuant to the Pipeline Safety Act.[8] While the states could play a useful role in

[7] NANC Recommendation at 11-12.

[8] *NPRM* at ¶25. SBC notes that it is by no means clear that the Commission has authority pursuant to section 251(e) to delegate implementation of the requirements of the Pipeline Safety Act to the states. To be sure, that section authorizes the Commission to delegate to state commissions or other entities all or any

implementing such arrangements by providing input in industry workshops or other public for a, the statute specifically calls for a nationwide solution. Permitting the states to establish the timeframes for implementing such abbreviated dialing arrangements, or other state-specific requirements (such as consumer education requirements), would hardly meet this statutory mandate. Moreover, authorizing the states to impose their own abbreviated dialing requirements could significantly increase the costs of implementing such arrangements, as well as delay implementation altogether, by forcing carriers to implement multiple, different solutions to meet myriad state requirements.

V. Conclusion

For the foregoing reasons, the Commission should adopt the recommendations stated herein.

Respectfully Submitted,

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portion of the Commission's exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. 47 U.S.C. § 251(e). The Pipeline Safety Act makes no reference to section 251(e), nor does it authorize the Commission to delegate its responsibilities under the Act to the states, nor does it even mention state utility commissions. As a consequence, it is questionable whether the Commission could delegate to the states to establish the timeframe for implementation of the requirements of the Pipeline Safety Act. *See USTA v. FCC*, 359 F.3d 554, 565-568 (D.C. Cir. 2004), *petition for cert. filed, AT&T Corp., et al, v. United States Telecom Assoc., et al.* (U.S. June 30, 2004) (No. 04-15).